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6 **Attorneys for Defendant JIANGXI LDK SOLAR HI-TECH CO., LTD.**

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 SILICON VALLEY MICROELECTRONICS, )  
INC., a California Corporation, )

13 Plaintiff, )

14 v. )

15 JIANGXI LDK SOLAR HI-TECH CO., LTD., )  
16 aka "LDK SOLAR HI-TECH CO., LTD." aka )  
"JIANGXI LDK SOLAR", )

17 Defendant. )  
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Case No. 11-02485-PSG

**STIPULATION AND  
ORDER TO STAY ACTION UNTIL  
NOVEMBER 3, 2011**

**STIPULATION**

WHEREAS, on May 20, 2011, plaintiff Silicon Valley Microelectronics, Inc. ("SVM") filed its Complaint in this matter;

WHEREAS, SVM claims that it served the Complaint upon defendant Jiangxi LDK Solar Hi-Tech Co., Ltd. ("Jiangxi LDK") on June 3, 2011;

WHEREAS, if the Complaint was served upon Jiangxi LDK on June 3, 2011, the last day for Jiangxi LDK Solar to file a responsive pleading under Federal Rule of Civil Procedure 12 would have been June 24, 2011;

WHEREAS, on June 23, 2011, the parties filed a Stipulation to Extend Time for Defendant to Serve Responsive Pleading under Federal Rule of Civil Procedure 12(b), extending Jiangxi LDK's time to respond to the Complaint until July 25, 2011;

WHEREAS, following that first stipulation, the parties began discussing a potential settlement of this action;

WHEREAS, on July 28, 2011, and to support the parties' settlement discussions, the Court approved a further stipulation extending Jiangxi LDK's time to respond to the complaint until August 8, 2011;

WHEREAS, the settlement discussions to date have been productive, and the parties are currently discussing a business agreement which the parties hope will allow them to reach a mutually-agreeable settlement of this action;

WHEREAS, the current state of the market precludes such a business agreement at this time;

WHEREAS, both parties have a good faith belief that the market will improve within the next three months, and that such an improvement will allow the parties to reach their contemplated business agreement;

WHEREAS, in order to reach that business agreement, the parties have agreed to stay all proceedings in this action until November 3, 2011;

WHEREAS, the parties have also agreed that the stay of the proceedings will include a stay of (1) Jiangxi LDK's time to respond to the Complaint; (2) SVM's time to file an opposition to Jiangxi LDK's Motion for Administrative Relief to Stay Discovery and ADR Obligations and to

Continue Case Management Conference Pending Motion to Dismiss for Lack of Service; (3) the Case Management Conference currently scheduled for August 23, 2011 (which is also subject to Jiangxi LDK's Motion for Administrative Relief); and (4) the last day to file a "Consent to Proceed Before a United States Magistrate Judge" or a "Declination to Proceed Before a United States Magistrate Judge and Request for Reassignment";

WHEREAS, by stipulating to this stay, Jiangxi LDK reserves all responses and defenses it may have under Rule 12 or otherwise, including but not limited to any objections as to service of the Complaint or this Court's personal jurisdiction over Jiangxi LDK;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject to approval of the Court, that:

(1) All proceedings in this matter are stayed until November 3, 2011;

(2) The parties will file a Joint Status Report with the Court on November 4, 2011 to report on the status of the settlement discussions and to set new deadlines as to (1) Jiangxi LDK's time to respond to the Complaint; (2) SVMI's time to file an opposition to Jiangxi LDK's Motion for Administrative Relief to Stay Discovery and ADR Obligations and to Continue Case Management Conference Pending Motion to Dismiss for Lack of Service; and (3) the last day to file a "Consent to Proceed Before a United States Magistrate Judge" or a "Declination to Proceed Before a United States Magistrate Judge and Request for Reassignment"; and

(3) The Case Management Conference, currently scheduled for August 23, 2011, is continued until November 22, 2011 at 2:00 p.m.

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1 Dated: August 5, 2011

SIDLEY AUSTIN LLP

2  
3 By: /s/

4 Robert B. Martin III  
Attorneys for Defendant

5 Dated: August 5, 2011

6 SWEENEY, MASON, WILSON &  
BOSOMWORTH

7  
8 By: /s/

9 Kurt Wilson  
Attorneys for Plaintiff

**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order. In compliance with General Order 45.X.B., I hereby attest that the other signatory concurred in this filing.

DATED: August 5, 2011

SIDLEY AUSTIN LLP

By: /s/ \_\_\_\_\_

Robert B. Martin III  
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Facsimile: 415-772-7400

Attorney for Defendant Jiangxi LDK Hi-Tech Co., Ltd.

**ORDER**

Upon stipulation of the parties, and good cause appearing, the Court orders as follows:

(1) All proceedings in this matter are stayed until November 3, 2011;


(2) All currently existing deadlines in this action are vacated;

(3) The parties will file a Joint Status Report with the Court on November 4, 2011 to report on the status of the settlement discussions and to set new deadlines as to (1) Jiangxi LDK's time to respond to the Complaint; (2) SVMi's time to file an opposition to Jiangxi LDK's Motion for Administrative Relief to Stay Discovery and ADR Obligations and to Continue Case Management Conference Pending Motion to Dismiss for Lack of Service; and (3) the last day to file a "Consent to Proceed Before a United States Magistrate Judge" or a "Declination to Proceed Before a United States Magistrate Judge and Request for Reassignment"; and

(4) The Case Management Conference, currently scheduled for August 23, 2011, is continued until November 22, 2011 at 2:00 p.m.

IT IS SO ORDERED.

Dated: August 8, 2011

  
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THE HONORABLE PAUL SINGH GREWAL  
United States Magistrate Judge